

PCT #3

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Attorney Docket No: Q63675

Jack David HAMMOND, et al.

PCT/AU99/00891

Appln. No. 09/807,608

Group Art Unit: not yet assigned

Confirmation No.: not yet assigned

Examiner: Not yet assigned

Filed: April 16, 2001

For: A PARKING MANAGEMENT SYSTEM

RECEIVED
09 JAN 2002
Legal staff
International Division

**PETITION UNDER 37 C.F.R. § 1.47(a) AND SUBMISSION OF EXECUTED
DECLARATION, ADDED PAGES AND DECLARATION OF FACTS IN RESPONSE
TO THE NOTIFICATION OF MISSING REQUIREMENTS**

ATTN: BOX MISSING REQUIREMENTS

Commissioner for Patents

Washington, D.C. 20231

Sir:

In response to the "Notification of Missing Requirements under 35 U.S.C. § 371 in the United States Designated/Elected Office" (copy enclosed), mailed July 23, 2001, Applicants submit herewith the required Declaration and Added Pages to the Combined Declaration and Power of Attorney for Signature by Joint Inventors on Behalf of Non-Signing Inventor who Refuses to Sign properly executed by three of the four inventors pursuant to 37 C.F.R. § 1.47(a). Also enclosed is a Declaration of Facts in support of the Petition Under 37 C.F.R. § 1.47(a) signed by Michael Lindsay Craig, a named co-inventor in the above identified application and a Director of the Assignee company, APTOS Corporation Pty., Ltd. (with attached Exhibits A-G). The inventor Andrew Rainer Gockel initially cooperated and signed the Assignment of the Invention along with the other three named inventors. Subsequently he has apparently refused to

Petition Under 37 C.F.R. § 1.47(a)...
PCT/AU99/00891
USSN 09/807,608
Attorney Docket Q63675

executed the required formal papers and has not set forth any specific reason. The Assignee will continue to attempt to obtain signature by Mr. Gockel.

The refusing inventors last known address is: Mr. Andrew Gockel, 123 Settlement Road,
The Gap, Queensland 4061

The refusing inventor's Solicitors address is: Mr. Andrew Gockel, C/-Morgan Conley,
Solicitors, GPO Box 34, Brisbane, Queensland 4001.

Please charge Deposit Account No. 19-4880 for the surcharge of \$130.00 for the late filing of the Declaration and for the \$130.00 Petition Fee under 37 C.F.R. § 1.17(I). Please also charge any underpayment or credit any overpayment to the Deposit Account No. 19-4880. A duplicate copy of this paper is attached.

Respectfully submitted,



Robert V. Sloan
Registration No. 22,775

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: December 26, 2001

12/31/2001 UEDUVIJE 00000038 194880 09807608

01 FC:254	65.00 OP
02 FC:122	130.00 OP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	PCT/AU99/00891
Jack David HAMMOND, et al.	Attorney Docket Q63675
Appln. No.: 09/807,608	Group Art Unit: Not yet assigned
Confirmation No.: Not yet assigned	Examiner: Not yet assigned
Filed: April 16, 2001	
For: A PARKING MANAGEMENT SYSTEM	

DECLARATION OF FACTS IN SUPPORT OF PETITION UNDER 37 C.F.R § 1.47(a)

Commissioner for Patents
Washington, D.C., 20231

Sir:

I, Michael Lindsay Craig, a named co-inventor in the above identified application and a Director of the assignee company, Aptos Corporation Pty. Ltd. ("the company"), do hereby declare that I was the person responsible for trying to obtain the signature of Andrew Rainer Gockel on the Declaration for the above identified application. Although Mr Gockel signed an Assignment document on March 30, 1998 whereby the invention was assigned by the four co-inventors to Aptos Corporation Pty. Ltd. he has subsequently refused to sign the Declaration and Power of Attorney form for the above identified application.

Subsequent to the filing of the above identified application on April 16, 2001 I wrote to Mr. Gockel on May 31, 2001 at his last known address enclosing a pending patent application Assignment, an Assignment, and a Declaration and Power of Attorney for his signature (Exhibit A). A copy of the letter is attached hereto. The letter requested him to sign each document in the appropriate place as marked and return these signed documents to the office of the company within 14 days of the date of the letter. It advised that should he fail to return the documents within that time we would take it that he had refused to sign these documents. A stamped addressed return envelope was enclosed. On July 2, 2001 the foregoing letter with its contents was returned to us by Australia Post marked "Return to Sender, left address"

(Exhibit B). On July 30, 2001 we searched the Telstra "white pages on-line" for "Andrew Gockel" searching every state and territory of Australia. No new address reference to Andrew Gockel was found. Copies of the negative print out for each state and territory are enclosed herewith (Exhibit C).

On August 3, 2001 I sent to Andrew Gockel by fax to his last known fax number "07 3300 7020" a letter detailing the letters we had sent him regarding the patent application and other matters to which he had not replied. A copy of the fax is submitted herewith (Exhibit D).

On August 9, 2001 we received a fax from Andrew Gockel advising that he had received our fax of August 3, 2001 (Exhibit E). His fax stated that "I believe I have requested in writing last year that all correspondence relating to Aptos be sent to my solicitor Morgan Conley. I am not aware of any written variation to this request. Please forward any future correspondence to Morgan Conley. Sending correspondence to me by registered mail when the last correspondence from me indicated that I would be away and therefore unable to sign for the letter in my view seems to be a means for Aptos Corporation Pty. Ltd. to deprive me of correspondence. Your fax has been forwarded to Morgan Conley for review/reply".

The company has no record for any request from Andrew Gockel to forward all correspondence to Morgan Conley. The only correspondence in the company files which may have been referred to as an e-mail dated December 23, 2000 (Exhibit F) which, after acknowledging receipt of a letter from the company continued "I have been offshore for some time and was unable to attend The Gap Post Office in person to sign for your fax of December 1. I will pass on to you (sic) letter/fax to my solicitor in the new year for a reply. I will be offshore again in the new year with an open date". A copy of this e-mail is submitted herewith. The company did not take Andrew Gockel's fax of August 9, 2001 as an instruction to forward all correspondence to Morgan Conley Solicitors. On September 11, 2001 we sent a letter addressed to Mr. Andrew Gockel C/- Morgan Conley Solicitors marked to the attention of Mr. Christopher Conley. The letter was written in similar terms to the letter of May 31, 2001 but enclosed the following documents:

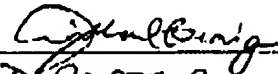
1. Pending patent application Assignment;
2. Assignment;
3. Declaration and Power of Attorney;
4. Full text of the specification, Canada;
5. Full copy of the specification, USA.

A full copy of this letter is submitted herewith (Exhibit G).

To date no reply has been received to any of the above correspondence except as detailed. We consider Andrew Gockel's lack of reply as well as the lack of reply by his Solicitors a refusal to sign the Declaration and Power of Attorney.

Respectfully, submitted,

Date: December 19th, 2001

By: 
Title: DIRECTOR

APTOS CORPORATION PVT LTD.

Practitioner's Docket No. Q63675

**ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)
TO SIGN OR CANNOT BE REACHED (37 CFR 1.47 (a))**

WARNING: "37 C.F.R. § 1.47(a) and 35 U.S.C. § 116 ¶ 2 require all available joint inventors to file an application 'on behalf' of themselves and on behalf of a joint inventor who 'cannot' be found or reached after diligent effort" "or who refuses to 'join in an application'." M.P.E.P. § 409.03(a), 6th ed., rev. 3 (emphasis added). See also 62 Fed. Reg. 53, 131, 53, 137, 203 O.G. 68 (Oct. 10, 1997).

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 C.F.R. 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.) ANDREW RAINER GOCKEL
nonsigning inventor who

☒ refuses to sign

☐ cannot be found or reached

NOTE: The name of the nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding words "nonsigning inventor completed on added page".

AUSTRALIA

Country of Citizenship of nonsigning inventor

123 SETTLEMENT ROAD, THE GAP, QUEENSLAND 4061, AUSTRALIA

Last known address of nonsigning inventor

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement Of Facts In Support Of Filing On Behalf Of Omitted Inventor. MPEP § 409.03(e), 6th ed.

II. Accompanying this declaration is:

- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR
- (2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(I))

Arthur Thomas Hallet


Signature

Practitioner's Docket No. 063675

**ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)
TO SIGN OR CANNOT BE REACHED (37 CFR 1.47 (a))**

WARNING: "37 C.F.R. § 1.47(a) and 35 U.S.C. § 116 ¶ 2 require all available joint inventors to file an application 'on behalf' of themselves and on behalf of a joint inventor who 'cannot' be found or reached after diligent effort" "or who refuses to 'join in an application'." M.P.E.P. § 409.03(a), 6th ed., rev. 3 (emphasis added). See also 62 Fed. Reg. 53, 131, 53, 137, 203 O.G. 68 (Oct. 10, 1997).

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.)
nonsigning inventor who

ANDREW RAINER GOCKEL

☒

refuses to sign

☐

cannot be found or reached

NOTE: The name of the nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding words "nonsigning inventor completed on added page".

AUSTRALIA

Country of Citizenship of nonsigning inventor

123 SETTLEMENT ROAD, THE GAP, QUEENSLAND 4061, AUSTRALIA

Last known address of nonsigning inventor

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement Of Facts In Support Of Filing On Behalf Of Omitted Inventor. MPEP § 409.03(e), 6th ed.

II. Accompanying this declaration is:

- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR
- (2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(I))

Michael Lindsay Craig


Signature

Practitioner's Docket No. 063675

**ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)
TO SIGN OR CANNOT BE REACHED (37 CFR 1.47 (a))**

WARNING: "37 C.F.R. § 1.47(a) and 35 U.S.C. § 116 ¶ 2 require all available joint inventors to file an application 'on behalf' of themselves and on behalf of a joint inventor who 'cannot' be found or reached after diligent effort" "or who refuses to 'join in an application'". "M.P.E.P. § 409.03(a), 6th ed., rev. 3 (emphasis added). See also 62 Fed. Reg. 53, 131, 53, 137, 203 O.G. 68 (Oct. 10, 1997).

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.) ANDREW RAINER GOCKEL
nonsigning inventor who

☒ refuses to sign

☐ cannot be found or reached

NOTE: The name of the nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding words "nonsigning inventor completed on added page".

AUSTRALIA

Country of Citizenship of nonsigning inventor

123 SETTLEMENT ROAD, THE GAP, QUEENSLAND 4061, AUSTRALIA

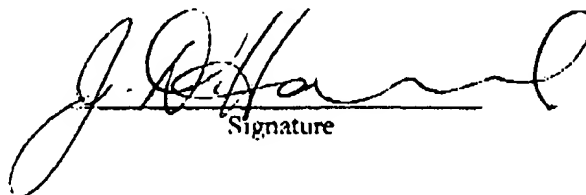
Last known address of nonsigning inventor

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement Of Facts In Support Of Filing On Behalf Of Omitted Inventor. MPEP § 409.03(e), 6th ed.

II. Accompanying this declaration is:

- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR
- (2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(I))

Jack David Hammond


Signature